



PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q77228

TANAKA, Shohei, et al.

Appln. No.: 10/652,242

Group Art Unit: 1617

Confirmation No.: 1866

Examiner: Hui, S.

Filed: September 2, 2003

For: PHARMACEUTICAL COMPOSITIONS FOR TREATING BONE LESIONS IN MULTIPLE
MYELOMA

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of the petitioner, YAMANOUCHI PHARMACEUTICAL CO., LTD., represents that the petitioner, YAMANOUCHI PHARMACEUTICAL CO., LTD. is the owner of the entire right, title and interest of U.S. Application No. 09/869,122, filed on June 25, 2001 for Medicinal Compositions for Treating Osseous Lesions in Multiple Myeloma by virtue of an Assignment from all of the inventors thereof executed on June 7, 2001, recorded on June 25, 2001 at Reel 012057, Frame 0773, now issued as U.S. Patent 6,727,233 as well as the entire right, title and interest in the above-captioned U.S. Application No. 10/652,242 by virtue of an Assignment from all of the inventors thereof executed on June 7, 2001, recorded on June 25, 2001, at Reel 012057, Frame 0773.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 10/652,242 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,727,233, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/652,242 shall be enforceable only for and during such period that the legal title to U.S. Patent 6,727,233 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/652,242, this agreement to run with any patent granted on the above-captioned U.S. Application No. 10/652,242 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/652,242 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,727,233 in the event that U.S. Patent 6,727,233 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney of record.

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Respectfully submitted,



Drew Hissong
Registration No. 44,765

Date: April 14, 2005



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SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. A check in the amount of \$130.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

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